

**REMARKS:**

In the Office Action the Examiner noted that claims 14, 17, 20, 23, 26 and 27 are pending in the application, and the Examiner rejected all claims.

By this Amendment, claims 14, 17, 20, 23, and 26 have been amended. No new matter has been presented. Claims 1-13, 15, 16, 18, 19, 21, 22, 24 and 25 remain cancelled.

Thus, claims 14, 17, 20, 23, 26 and 27 are pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

**CLAIM REJECTIONS UNDER 35 USC §103:**

In the Office Action the Examiner rejected claims 14, 17, 20, 23, 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,684,195 (Deaton) in view of Official Notice.

Deaton states:

"Once the system monitors a customer's subsequent activity, subsequent to the incentive, then the system can record the response. The system may then have a preset criteria of response and if that customer meets the preset response criteria, **the system may either maintain that incentive over a preselected time interval or may initially or subsequently reduce that incentive over a preselected time interval**. If the response criteria is favorably met, and the retail store is happy with the performance by the customer, then the store can either maintain or reduce or maintain and subsequently reduce the value of the incentive. On the other hand, if the customer fails to meet the response criteria, as is often the case, the incentive may be increased or changed"

(see, col. 103, lines 52-62 of Deaton).

As can be seen from the above, Deaton is limited to maintaining an already issued incentive or reducing value thereof based on the customer's subsequent activity regarding a response. In other words, there is not relation between the preselected time interval and the period *during* which the service was provided.

The Examiner maintains the rejection of the claims based on Deaton and what the Examiner asserts as Official Notice. The Examiner states, in section 6 of Response to Arguments on page 4 of the outstanding Office Action, as follows. "The Examiner wants to point out that Deaton teaches various incentive programs and that Applicant is concentrating on one portion of Deaton's incentive programs and overlooking other fair teachings." Essentially, the Examiner is stating that the description of Deaton where the incentive is increased or decreased

at a selected time interval (column 103, line 52 to column 104, line 21 of Deaton) is equivalent to the claimed feature where the customer's cumulative issued points are decreased "in proportion to the time period associated with providing the electronic information service" (emphasis added).

Applicants respectfully point out that the discussion in Deaton only pertains to an increase or decrease of the value of an updated incentive depending on a resultant monitoring of customer's shopping history over a preselected time interval. In other words, Deaton is limited to a chance of the incentive to be newly issued and thus Deaton does not disclose, teach or suggest increase or decrease of an incentive at a preselected interval.

In contrast, claim 14, by way of example, recites "a point calculating unit on the store side configured to update the customer's cumulative issued points, converts predetermined points into a time period **associated with providing the electronic information service for redeeming the customer's cumulative issued points...**" (emphasis added). At least this feature is patentably distinguishable over Deaton which simply changes cumulative issued points along with the lapse of time.

The claimed invention is directed to redeeming points corresponding to or equivalent to a time period for consuming the electronic information service. In other words, the claimed redeeming is not limited to entirely of the service, as in Deaton, but also pertains to a partial redemption of the service for the partial, not entire, consumption of the electronic information services.

In fact, when considering the teachings of Deaton as whole, the Deaton incentive POS system which provides redemption with respect to an entire service teaches away from the correspondence of redemption of points in terms of a time period for consuming the electronic information service time by time basis.

It would be difficult for a person skilled in the art at the time of the invention to modify the teachings of Deaton to include conversion of predetermined points into a time period associated with providing the electronic information service for redeeming the customer's cumulative issued points, as taught by the claimed invention.

Furthermore, claim 14 states "wherein the point calculating unit ... to the customer terminal which displays the decreased customer's cumulative issued points during the time the electronic information service for redeeming the customer's cumulative issued points is provided

to the customer terminal." For example, the claimed invention provides a real time display showing a successive reduction of the cumulative issued points during a service of the electronic information service for redeeming the customer's cumulative issued points. This feature cannot be taught anywhere in Deaton.

Deaton relates to a point of sales (POS) terminal. A POS terminal, as in Deaton, is used for keeping an accurate account for every customer who purchased goods at a shopping store at a very high speed. In such a situation in using the POS, it is apparent that the point management system according to the claimed invention cannot operate, since the system of the claimed invention needs to determine for the customers

At least on page 3 of the Office Action, the Examiner maintains the assertion of Official Notice. Applicants respectfully traverse the Examiner's statement because supporting evidence related to the providing of the claimed information based on points has not been provided, and request that the Examiner produce authority for the statement. Applicants respectfully submit that absent improper use of hindsight, one of ordinary skill in the art would not have known the electronic information services as provided and redeemed in the claimed invention. Further even assuming that the Office Notice is proper, since the Official Notice merely relates to generally providing services electronically, the Official Notice does not cure the deficiencies of Deaton regarding claims of the present application.

Applicants also herein incorporate all the previously presented arguments regarding Official Notice.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references.

For example, neither Deaton nor the Official Notice, teach or suggest "**points are deducted from the customer's cumulative points in correspondence to an amount of time lapsed during the time period the electronic information service is provided to the customer terminal**" (emphasis added), as recited in claim 27.

Therefore, withdrawal of the rejection is respectfully requested.

#### **CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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